

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTELA ROSAS,

Defendant.

Case No. 3:23-cr-00084-SLG-KFR

ORDER ON MOTION TO SUPPRESS

Before the Court at Docket 45 is Defendant Rosas's Motion to Suppress and at Docket 64 is Defendant's supplemental briefing regarding the motion to suppress. The Government responded in opposition to the motion at Docket 50 and filed its supplemental briefing at Docket 65. The motion was referred to the Honorable Magistrate Judge Kyle F. Reardon. At Docket 66, Judge Reardon issued his Report and Recommendation, in which he recommended that the motion be granted. Defendant filed an objection to the Report and Recommendation at Docket 67. The Government did not file any objection to the Report nor respond to Defendant's objection.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is

¹ 28 U.S.C. § 636(b)(1).

to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”² However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”³

The Magistrate Judge recommended that the Court grant the Motion to Suppress. Defendant’s sole objection is to the Report’s conclusion that “Defendant’s detour to the airport police substation was not so intrusive as to make her detention an arrest.”⁴ The Court has reviewed the Report and Recommendation and agrees with its analysis that the Investigator lacked reasonable suspicion to detain Ms. Rosas in an investigative stop. Thus, whether Ms. Rosas was under arrest while at the substation is a moot issue. Accordingly, the Court adopts the Report and Recommendation that Defendant and her luggage were unlawfully seized, and IT IS ORDERED that the Motion to Suppress at Docket 45 is GRANTED.

DATED this 19th day of August, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

² *Id.*

³ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

⁴ Docket 66 at 15.